IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 2142 of 1997

For Approval and Signature:

HONOURABLE MR.JUSTICE R.S.GARG

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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M RAMANKUTTY - Petitioner(s)
Versus
MALHOTRA STEEL CORPORATION - Respondent(s)

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Appearance :
MR CG GOVINDAN for Petitioner(s) : 1,
None for Respondent(s) : 1,

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CORAM : HONOURABLE MR.JUSTICE R.S.GARG

Date : 26/07/2007

ORAL JUDGMENT

Shri C.G.Govindan, learned counsel for the petitioner; Shri K.M.Paul has filed leave note but in view of the Gujarat High Court Rules,

1993, leave note is not required to be taken note of if the matter before the Court is a Special Civil Application and/or it is on the daily board.

2. The petitioner, being aggrieved by the award dated 6.7.96 passed by the Labour Court, Ahmedabad in Reference [LCA] No. 579/84 is before this Court with a submission that the Labour Court was unjustified in rejecting the Reference.

3. The petitioner had gone to the Labour Court with a submission that his removal from service amounted to illegal retrenchment even in violation of Section 25F of the Industrial Disputes Act, 1947 and as the provisions of Section 25H of the Act were also violated, Reference ought to have been allowed in his favour.

4. The respondent-establishment appeared before the Court and submitted that they were not in need of a Stenographer, therefore, after observing the provisions contained in Section 25F of the Act, they had removed the petitioner. They also

stated that in accordance with the provisions of Section 25F they had offered money and sent the same by money order also but it was not received by the petitioner.

5. The Court below, after recording a finding that the provisions of Section 25F were not violated, rejected the Reference.

6. After hearing Shri Govindan, learned counsel for the petitioner, I am unable to hold that the Court below was unjustified in recording a finding against the interest of the petitioner. It is also to be seen that the respondent had substantiated their allegations by proving that they had observed the provisions contained in Section 25F of the Act. Even otherwise, such findings are based on facts and this Court would not be entitled to interfere with the said findings unless the findings are shown to be perverse.

7. I find no reason to interfere. The petition deserves to and is accordingly dismissed, however, with liberty in favour of the petitioner to make an application to the

respondent establishment for payment of his dues. He would, however, be entitled to make a prayer for payment of some interest on his dues but it shall be in the discretion of the authority to pass orders on the prayer in relation to the interest. Rule is discharged. No costs. Interim relief, if any, is vacated.

[R.S. GARG, J.]

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